EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-0063-MSW-E **TCEQ ID:** RN102214806 **CASE NO.:** 31841

RESPONDENT NAME: JTB Recycling Facility, Inc.

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
ATR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
X MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Recycling and so SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Reconstruction of the Comment of the Com	No ere are no complaints. There is no record of addition than the ED and the Respondent has expressed an integer comment period expired on July 9, 2007. No cor: None or: Mr. Marlin Bullard, Enforcement Division, Enforcement	al pending enforcement actions regarding this crest in this matter. comments were received.

DOCKET NO.: 2007-0063-MSW-E

THE COUNTY OF STREET

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$3,255 Particle of the Bark Corrective: Actions Taken: Complaint X Routine 1) The Executive Director recognizes that **Total Deferred: \$651** ___ Enforcement Follow-up X Expedited Settlement the Respondent has implemented the Records Review following corrective measures at the __Financial Inability to Pay Facility: Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 a. Began collecting and analyzing samples of grit trap waste on September 1, 2006; Date of Investigation Relating to this and Total Paid to General Revenue: \$2,604 Case: August 29, 2006 b. Obtained acceptable financial assurance Site Compliance History Classification Date of NOE Relating to this Case: (1) to cover operations under Registration No. High X Average Poor November 10, 2006 (NOE) 40164 on February 15, 2007. Person Compliance History Classification Background Facts: This was a routine **Ordering Provisions:** __ High _X_ Average ___ Poor investigation. Four violations were documented. Major Source: Yes X No 2) The Order shall require the Respondent WASTE Applicable Penalty Policy: September 2002 a. Immediately upon the effective date of 1) Failure to amend the site operating plan this Agreed Order, begin maintaining ("SOP") prior to deviating from the accurate records documenting the annual operational requirements of the SOP. waste acceptance rate for the Facility: Specifically, the Respondent added additional storage tanks and began manually adding enzymes to the waste b. Within 15 days after the effective date treatment process, but did not amend the of this Agreed Order, amend the Facility's SOP for Registrátion No. 43000 to include SOP and registration to reflect current the new process and equipment prior to equipment and operating processes or construction and implementation [30 Tex. bring the Facility into compliance with its ADMIN. CODE §§ 330.73(a) and 330.121 current registration; and [formerly 330,111] and MSW Registration No. 43000, Sections Drying Bed c. Within 30 days the effective date of this Procedures and Processing Grease Trap Agreed Order, submit written certification Wastel. including detailed supporting documentation including photographs, 2) Failure to maintain accurate records receipts, and/or other records to documenting the annual waste acceptance demonstrate compliance with Ordering rate for the Facility. Specifically, grease and wastewater from tank bottom cleaning Provisions a. and b. was not included in the incoming waste load calculations [30 Tex. ADMIN. CODE § 330.125(h)]. 3) Failure to provide financial assurance. Specifically, the Type V municipal solid waste transfer Facility did not have financial assurance to cover its operations under Registration No. 40164 [30 Tex. ADMIN. CODE § 37.8021]. 4) Failure to annually sample and analyze grit trap waste received. Specifically, the

Page 3 of 3

RESPONDENT NAME: JTB Recycling Facility, Inc. **DOCKET NO.:** 2007-0063-MSW-E

Respondent did not sample and analyze grit trap waste for benzene, lead, and total petroleum hydrocarbons in 2005 [30 Tex.

ADMIN. CODE § 330.203(c)(2)].

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Policy Revision 2 (Sept	Penalty Calculation	n Worksheet (P	CW) PCW Revision Decer	mber 8, 2006
TCEQ				
DATES Assigned PCW	13-Nov-2006 18-Apr-2007 Screening 30-Nov-2006	EPA Due		
RESPONDENT/FACILITY	INFORMATION	m name / manus (** 1885 til 2000). Sy		
	JTB Recyling Facility, Inc.			
Reg. Ent. Ref. No.				
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor	
		·		
CASE INFORMATION				
Enf./Case ID No.	31841 2007-0063-MSW-E	No. of Violations		`
	Municipal Solid Waste	Order Type Enf. Coordinator		
Multi-Media	Willicipal Solid Waste		EnforcementTeam 8	
Admin. Penalty \$ L	imit Minimum \$0 Maximum	\$10,000	Emorgementreamo	7
Admin Charles	ΨΟ ΠΑΖΑΙΙ	Ψ10,000		***************************************
	Penalty Calcula	tion Section		
TOTAL BASE PENAL	TY (Sum of violation base penaltie	s)	Subtotal 1	\$3,100
ADJUSTMENTS (+/-)	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage		
Compliance Histo			otals 2, 3, & 7	\$155
Compliance mate]	Ψ100
Notes	Enhancement for one NOV with same or s within the past five ye			
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	e culpability criteria		
Good Faith Effort	Before NOV NOV to EDPRP/Settlement Offer	Reduction	Subtotal 5	\$0
Ordinary				
N/A	X (mark with x)			
Notes	The Respondent does not meet the	good faith criteria.		
		Enhancement* at the Total EB \$ Amount	Subtotal 6	\$0
Approx.	Cost of Compliance \$3,300	at the rotal ED william		
SUM OF SUBTOTAL	S 1-7		Final Subtotal	\$3,255
	S JUSTICE MAY REQUIRE ubtotal by the indicated percentage. (Enter number only	r. e.a30 for -30%.)	Adjustment	\$0
	, , , , , , , , , , , , , , , , , , , ,		7	
Notes				
•		Final Pe	nalty Amount	\$3,255
STATUTORY LIMIT A	DJUSTMENT	Final Asse	essed Penalty	\$3,255
DEFERRAL Reduces the Final Assessed Pen	alty by the indicted percentage. (Enter number only, e.g.	20% Reduction 7. 20 for 20% reduction.)	Adjustment	-\$651,
Notes	Deferral offered for expedite	d settlement.		аниянического

PAYABLE PENALTY

\$2,604

PCW

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

Respondent JTB Recyling Facility, Inc.

Case ID No. 31841

Reg. Ent. Reference No. RN102214806

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

Compliance History Worksheet

Component		nter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%	
	Other written NOVs	0	0%	
A PART A CASAN A CASAN	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0.4	0%	٠.,
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government additional court is a second		0%	er gita.
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%	
		se Enter Yes or No		
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Su	ıbtotal 2) [5'
oeat Violator (Su	btotal 3)	Carlotte	i jaman j	ane s
No	Adjustment P	ercentage (Sเ	ıbtotal 3) [0
npliance History	Person Classification (Subtotal 7)	and the trial land the trial	Kambio to a	Mary.
Average Po	erformer Adjustment P	ercentage (Su	ıbtotal 7)	00
mpliance History	Summary	1		
Compliance History Notes	Enhancement for one NOV with same or similar violations at this site within the past five	ve years.	114. T	3 8
	learning to the second			

Screening Date	30-Nov-2006	Docket N	o, 2007-0063-MSW-E	PCW
Respondent	JTB Recyling Facility, Inc.		Policy Re	vision 2 (September 2002)
Case ID No.	31841		PCW R	evision December 8, 2006
Reg. Ent. Reference No.	RN102214806			
Media [Statute]	Municipal Solid Waste		•	
Enf. Coordinator	Marlin Bullard			
Violation Number	11 1			
Rule Cite(s)	30 Tex. Admin. Code §	§§ 330.73(a) and 330.12	21 [formerly 330.111] and MSW	
(-,	Registration No. 43000, Se	ections Drying Bed Proc Waste	edures and Processing Grease Trap	
	E 11 14			
Violation Description	requirements of the SOP, a 29, 2006. Specifically, the manually adding enzymes for Registration No. 43	is documented during a ne Respondent added a to the waste treatment p	rior to deviating from the operational in investigation conducted on August dditional storage tanks and began brocess, but did not amend the SOP process and equipment prior to nentation.	
			Base Penalty	\$10,000
>> Environmental, Property a	and Human Health Mat	rix		
	Harm		ia, and committee de transfer and management of the control of the	
Release		Minor		
OR Actual Potential			Percent 0%	
Fotential			reicent 076	
>>Programmatic Matrix			*	•
Falsification	Major Moderate	Minor	7.000 8	
72.6	X		Percent 10%	-
Matrix	100% of the	rule requirement was n	ot met	All de la constant de
Notes				
		38266887888	Adjustment \$9,000	ER.
				\$1,000
Violation Events				
VIOIATION LVCIITS				
Number of Vi	olation Events 1	93	Number of violation days	Andrewship
			-	Business consiste
	daily			
ocoeccions and the second seco	monthly		V	£4.000
mark only one with an x	quarterlysemiannual		Violation Base Penalty	\$1,000
	annual			
	single event x			
		J		
				and the state of t
	One sin	gle event is recommend	led.	
- ·				Indo-saddour
Economic Benefit (EB) for th	is violation		Statutory Limit Test	
Estimate	d EB Amount	\$31	Violation Final Penalty Total √	\$1,050
The state of the s	-		_	
	T	his violation Final Ass	essed Penalty (adjusted for limits)	\$1,050

			Benefit W	OLKE	neet	ATELL CONTINU	rant4
Respondent	, .	acility, Inc.				· · · · · · · · · · · · · · · · · · ·	18 a. s
Case ID No.					- 20 St 12 1	er version de la company	odanski stala
Reg. Ent. Reference No.					(n) (n)	71 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	torono o mora de la companya de la c
	Municipal Solid	Waste			Colvert Harris	Percent Interest	Years of
Violation No.	1				المتعادة والمعادمة والمعادد		Depreciation
			Barana B			5.0	15
POTE PARKETE	Item Cost	Date Required	Final Date			Onetime Costs	EB Amount
Item Description	No commas or \$	mints Stague en		A CONTRACTOR OF THE PARTY OF TH			8
		Athenb		13	X	and the same of th	
Delayed Costs		The state of the s	10.00			Carried	
Equipment		avat makan Cheliasi	Commence	0.0	: ' Fr c \$0	\$0	\$0
Buildings	inger som side herb	arm and our raines	ise harmon markets at	0.0	, \$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction			Later Car Care State Co	0.0	\$0	\$0	\$0 :: 7
Land *				0.0	\$0	talla an/a and and and and and and and and and an	\$0
Record Keeping System			and the second rates and the	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			and the second second	0.0	\$0	n/a	\$0
Remediation/Disposal Permit Costs	\$500	29-Aug-2006	30-Nov-2007	1.3	\$31	n/a	\$31
	Estimated co	st to update the SC	OP for Registration	1.3 0.0 No. 430	\$31 \$0 000 to accurately	n/a n/a reflect the Facility's o	\$31 \$0 equipment and
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos operations	st to update the SC . The Date Require	DP for Registration ed is the date of the c	1,3 0,0 No. 430 e investi omplian	\$31 \$0 000 to accurately gation and the Fi ce; Item (except for	n/a n/a reflect the Facility's of hai Date is the estima one-time avoided of	\$31 \$0 equipment and ated date of
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co- operations	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1.3 0.0 No. 430 investi omplian ntering	\$31 \$0 000 to accurately gation and the Fi ce; item (except for	n/a n/a reflect the Facility's of hal Date is the estimate or one-time avoided of	\$31 \$0 equipment and ated date of costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos operations	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1.3 0.0 No. 430 e investi omplian ntering 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; item (except for \$0 \$0	reflect the Facility's challenge in the estimate of the estimate is the estimate of the estima	\$31 \$0 equipment and ated date of costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel, Inspection/Reporting/Sampling	Estimated co- operations	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1.3 0.0 No. 430 investi omplian ntering 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; item (except for \$0 \$0	n/a n/a n/a reflect the Facility's of the estimate of the esti	\$31 \$0 equipment and ated date of costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel, Inspection/Reporting/Sampling Supplies/equipment	Estimated co- operations	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1.3 0.0 No. 430 investi omplian ntering 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; Item (except for \$0 \$0 \$0	n/a n/a reflect the Facility's of hall Date is the estime r one-time avoided of \$0.000 to \$0.000 to \$0.000 to \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.000 \$0.0	\$31 \$0 equipment and ated date of costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co- operations	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1,3 0,0 No. 430 e investi omplian ntering 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; Item (except for \$0 \$0 \$0	reflect the Facility's of hall Date is the estimate in the est	\$31 \$0 equipment and ated date of costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos operations ANN	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1.3 0.0 No. 430 investion metring 0.0 0.0 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; item (except for \$0 \$0 \$0 \$0	reflect the Facility's chall Date is the estimate of the interest of the inter	\$31 \$0 equipment and ated date of costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos operations ANN	st to update the SC . The Date Require UALIZE [1] avoid	DP for Registration ed is the date of the c	1,3 0,0 No. 430 e investi omplian ntering 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; Item (except for \$0 \$0 \$0	reflect the Facility's of hall Date is the estimate in the est	\$31 \$0 equipment and ated date of costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos operations ANN	st to update the SC. The Date Require	DP for Registration ed is the date of the c	1.3 0.0 No. 430 a investi omplian ntering 0.0 0.0 0.0 0.0 0.0	\$31 \$0 000 to accurately gation and the Fi ce; Item (except for \$0 \$0 \$0 \$0 \$0	reflect the Facility's chall Date is the estimate of the interest of the inter	\$31 \$0 equipment and ated date of costs) \$0 \$0 \$0 \$0

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Screening Date	30-Nov-2006	Docket No. 2007-0063-MSW-E	PCW
Respondent	JTB Recyling Facility, Inc.		Policy Revision 2 (September 2002)
Case ID No.	31841		PCW Revision December 8, 2006
Reg. Ent. Reference No.	RN102214806		·
Media [Statute]	Municipal Solid Waste		en de la companya de
Enf. Coordinator	Marlin Bullard		decision of the second
Violation Number	2		
Rule Cite(s)		30 Tex. Admin. Code § 330.125(h)	
Violation Description	the Facility, as documer	e records documenting the annual waste accepted during an investigation conducted on Auguswastewater from tank bottom cleaning is not incincoming waste load calculations.	st 29, 2006. cluded in the
>> Environmental, Property a	and Human Health Ma	VVIII.07.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	Base Penalty \$10,000
tables	Harm		36 18628 ·
Release		Minor	opposed by
OR Actual			and the state of t
Potential		Percent	0%
>>Programmatic Matrix			abany (GLAC)
Falsification	Major Moderate	Minor	
Tusincation	Wajor Woderate		1%
\$-0.00 B	11		
Matrix Notes	More than 70	% of the rule requirement was met.	
		Adjustment	\$9,900
			\$100
Violation Events			
	olation Events 1	93 Number of violatio	n days
Number of vi	Jiation Events 1	93 Number of Violatio	ii uays
	daily	· ·	domination
	monthly	·	
mark only one	quarterly	Violation	Base Penalty \$100
with an x	semiannual		
· ·	annual x		
	single event x	1	· · · · · · · · · · · · · · · · · · ·
	One si	ngle event is recommended.	
Economic Benefit (EB) for th	is violation	Statutory Limi	t Test
Estimate	d EB Amount	\$991 Violation Fina	l Penalty Total \$105
venes product	-		
		This violation Final Assessed Penalty (adjust	sted for limits) \$105

	Total and Mark 1994 and an						Depreciation
14 15 15 15 15 15 15 15 15 15 15 15 15 15	Item Cost	Date Required	Final Date		Interest Saved	5	market and the second and an all and a second
Item Description	Control of Section (1997) And Application (1997)	Pate Required	The second secon		Interest Saveu	in grid d	s EB Amount
	, no comma oι ψ	a de la companya de l	A	And Charles	125 Yaqi bir 28812 800 0	in in the second	Company of the State of the Sta
Delayed Costs		27.5 254 254	24-24-7	200	是成为是 6		
Equipment	Established of	land only to be 1981	Roman Louis	0.0	\$0	\$0	\$0
Buildings	HASTIN CONTROL	1014 (424) 1140	of the tradition for	0.0	\$0	\$0	\$0
Other (as needed)	Lance On Landania			0.0	\$0	\$0	\$0
Engineering/construction		A		0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System			347000000000000000000000000000000000000	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)			7.1	0.0	\$0	n/a	\$0
Notes for DELAYED costs		* -	North (1) The state of the field	e Whist Januari	etile Topografia		
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	ntering	item (except for	one-time avoide	d costs)
Disposal	estant of	ge.	Land the second second	0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
nspection/Reporting/Sampling	\$100	10-Mar-1998	15-Aug-2007	9.4	\$47	\$944	\$991
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	A Comment	777		0,0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
				0.0	\$0	\$0	\$0
Notes for AVOIDED costs		st to maintain accur astewater from tank	k bottom cleaning	in the inc			
Notes for AVOIDED costs	ll .						

for $a^{(i)}$, and $a^{(i)}$ b $(a^{(i)}$ $a^{(i)}$ $a^{(i)}$ $a^{(i)}$ $a^{(i)}$ $a^{(i)}$

Screening Date	30-Nov-2006	Docket No.	. 2007-0063-MSW-E	PGW
Respondent	JTB Recyling Facility, Inc.		Palicy R	evision 2 (September 2002)
Case ID No.	31841		PCW	Revision December 8, 2006
Reg. Ent. Reference No.	RN102214806			and Color
Media [Statute]	Municipal Solid Waste			action
Enf. Coordinator	Marlin Bullard			
Violation Number	3			_
Rule Cite(s)		30 Tex. Admin. Code § 37	7 8021	
Violation Description	on August 29, 2006. Spec	assurance, as documented	during an investigation conducted hal solid waste transfer Facility did s under Registration No. 40164. Base Penalty	\$10,000
>> Environmental, Property		rix		
Release		Minor		***************************************
Actua Potentia			Percent 0%	
>>Programmatic Matrix				-
Falsification	Major Moderate	Minor		
	Х		Percent 10%	
Matrix Notes	_ 100% of th	e rule requirement was not	met.	
			Adjustment \$9,000	•
***************************************				\$1,000
Violation Events	•			
Number of Vi	olation Events 1	365	Number of violation days	
mark only one with an x	daily monthly quarterly semiannual x		Violation Base Penalty	\$1,000
One o	single event	I for the 12 month period pr	receding the August 29, 2006	100 August
Office and	madi event is recommended	investigation.	5554.iig 416 / 14gast 25, 2000	And and an
Economic Benefit (EB) for th	and the control of the second		Statutory Limit Test	
Estimate	d EB Amount	\$1,785	Violation Final Penalty Total	\$1,050
		This violation Final Asse	ssed Penalty (adjusted for limits)	\$1,050

Economic Benefit Worksheet Respondent JTB Recyling Facility, Inc. Case ID No. 31841 Reg. Ent. Reference No. RN102214806 Media Municipal Solid Waste Years of Percent Interest Violation No. 3 Depreciation 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs Item Description No commas or \$ 208 NO 10 (100) 2000 (100) A 2001 (100) Delayed Costs Equipment Buildings 0.0 \$0 \$0 \$0 0,0 Other (as needed) 0.0 Engineering/construction 0.0 \$0 Land 0.0 n/a Record Keeping System 0.0 n/a Training/Sampling 0.0 i⊓n/a Remediation/Disposal 0.0 n/a Permit Costs 0.0 n/a Other (as needed) 0.0 n/a James C statistic property and central smalls Wenter Notes for DELAYED costs 0.042 106064654 Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Disposal 0.0 \$0 Personnel \$0 \$0 0.0 \$0 Inspection/Reporting/Sampling 0,0 \$0 \$0 Supplies/equipment 0,0 \$0 \$1,700 Financial Assurance [2] 1,0 \$1,700 \$1,785 ONE-TIME avoided costs [3] 0,0 Other (as needed) Estimated annual cost to provide financial assurance for the Facility for the 12 month period preceding the August Notes for AVOIDED costs 29, 2006 investigation. TOTAL Approx. Cost of Compliance \$1,785

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Scre	ening Date	30-Nov-2006			Docket No.	. 2007-0063-MSW-E		PCW
F	Respondent	JTB Recyling	Facility, Inc.				Policy Re	vision 2 (September 2002)
	Case ID No.						PCW F	Revision December 8, 2006
Reg. Ent. Ref								
	lia [Statute]							
	Coordinator					τ		
VIOI	ation Number Rule Cite(s)	4						
	rtule offe(s)		30	0 Tex. Admir	n. Code § 330.	203(c)(2)		
Violatio	n Description	an investiga	ation conducte	ed on August	29, 2006. Spe	e received, as documente ecifically, the Respondent and total petroleum hydr	did not	
						Base	e Penalty[\$10,000
>> Environmental	I, Property a	ind Human		rix	6. 31. 44			
1.5	Release	Major	Harm Moderate	Minor				
OR	Actual				7			
	Potential		х			Percent 10%		
	84-4-5-5		4 A 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	2 - 1 - 1		**		
>>Programmatic	Falsification	Major	Moderate	Minor				
	T disinication	I III	Wodorato		7	Percent 0%		
						}I		economic and the second
Matrix Notes	Human healt	th or the enviro	onment could	be exposed the violation		mounts of pollutants as a	result of	
					Ŧ.	Adjustment	\$9,000	
							ſ	\$1,000
							1	. \$1,000
Violation Events					. .		100	REDUCIDAL VICEOROS
	Number of Vic	olation Events	1		365	Number of violation day	/S	
		daily		1				
		monthly						
	mark only one	quarterly				Violation Bas	e Penalty	\$1,000
	. with an x	semiannual						`-
		annual single event	X					
		Paulidio everiri]				
			One annual	event is reco	ommended for	2005.		
Economic Benefi	it (EB) for th	is violation				Statutory Limit Te	st	
***************************************	Estimate	d EB Amount		\$1,09	96	Violation Final Pen	alty Total	\$1,050
				This violation	on Einal Acco	ssed Penalty (adjusted t	for limite)	\$1 DED
10 mm = 10 mm (1 mm) = 1/10 / 18 mm (1 mm)				mis violatio	лі Гіпаі ASSE	sseu renany (aujusteu i	ioi minits)	\$1,050

		d Waste		1:	e _i s es la co	Percent Interest	Years of Depreciation
Violation No.		5005. Verträttinker i			Annual Control	5.0	Management and property of the
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Itam Description			J. NembA. Ket 1.		interest Saveu	() Tig	19
i item pescription	NO COMMAS OF S	gratic starting than		Praise et	Braden Lebaration	Section 1	
Delayed Costs	a 005.4 (9970)	r er is eng big	TO THE SERVER SERVER	4 H 2			
Equipment	Salvino Havid	a land a secondar at out of	in avadence base	10.0	\$0	\$0	\$0
Buildings	La Company (Agranda)	. William Commission of the Co		0.0	\$0	\$0	\$0
Other (as needed)	The state of the s	THE REAL PROPERTY.	AND DESCRIPTION OF COMMERCIA	0.0	\$0	\$0	\$0i`i
Engineering/construction	end to be being	PHO OF SERVICE	FACEST SAMESTIC	0.0	\$0"	\$0	\$0
Land			1)	0.0	\$0	n/a	\$0
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Compliance History

Customer/	Respondent/Owner-Operato	or: CN600711048	JTB Recycling Facility, Inc.		Classification: AVERAGE	Rating: 4.50
Regulated	Entity:	RN102214806	JTB RECYCLING TRANSFE STATION FACILITY	ER .	Classification: AVERAGE	Site Rating: 4.50
ID Number	r(s):		ID WASTE PROCESSING	REGISTRATION REGISTRATION		40164 43000
Location:		4895 ROMEDA R	D, BEAUMONT, TX, 77705		Rating Date: 9/1/2006 Rep	eat Violator: NO
TCEQ Reg	gion:	REGION 10 - BEA	AUMONT			
Date Com	pliance History Prepared:	January 10, 2007				
Agency De	ecision Requiring Complianc	e History: Enforcement				
Compliano	e Period:	January 10, 2002	to January 10, 2007			
TCEQ Sta	ff Member to Contact for Add	ditional Information Regarding this	Compliance History			
Name:	Marlin Bullard		none: (254) 761-3038	š		gen gar it days in the section of these
			Compliance History Compo	onents		
		or operation for the full five year co	The second secon	Yes		
	re been a (known) change ir vho is the current owner?	n ownership of the site during the	compliance period?	No		
		or(s)?		N/A		
4. 11 165,	who was/were the prior own	ci(o):		N/A		
5. When	did the change(s) in ownersh	nip occur?		N/A		
Compon	ents (Multimedia) for the	e Site :				
A.	Final Enforcement Orders,	court judgements, and consent de	ecrees of the state of Texas and	the federal govern	ment.	
	N/A					
В.	Any criminal convictions of	the state of Texas and the federa	I government		•	
Ь.	N/A	the state of Texas and the federa	i government.			
C.	Chronic excessive emissio	ins events.				
	N/A					
D.		estigations. (CCEDS Inv. Track. No	5 J			
	1 11/15/2004 (336397) 515140)	- '' - ''			
E.	•	s (NOV). (CCEDS Inv. Track. No.)	. · · ·			
	Date: 04/19/2004	(263898)				
	Self Report? NO	(4,	Classific	cation: Moderate		
	Citation:	30 TAC Chapter 327 327.4(c)				
	Description:	Failure to provide noncompliance	e notification.			
	Self Report? NO		Classific	cation: Moderate		
	Citation:	30 TAC Chapter 327 327.5[G]				
	Description: Self Report? NO	Failure to properly abate spills.	Classific	cation: Moderate		
	Citation:	30 TAC Chapter 330, SubChapte		Sation. Industrato		
		30 TAC Chapter 330, SubChapte				
	Description:	Failure to comply with the site op	perating plan.			
F.	Environmental audits.					
0	N/A	nagement eveters (EMCs)				
G.	Type of environmental ma	nagement systems (EMSs).				

Н.

N/A

Voluntary on-site compliance assessment dates.

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
JTB RECYLING FACILITY, INC.	§	
RN102214806	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0063-MSW-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding JTB Recycling Facility, Inc. ("JTB") under the authority of Tex. Health & Safety Code ch. 361 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and JTB appear before the Commission and together stipulate that:

- 1. JTB owns and operates a recycling and septage transfer station at 4895 Romeda Road in Beaumont, Jefferson County, Texas (the "Facility").
- 2. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 3. The Commission and JTB agree that the Commission has jurisdiction to enter this Agreed Order, and that JTB is subject to the Commission's jurisdiction.
- 4. JTB received notice of the violations alleged in Section II ("Allegations") on or about November 15, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by JTB of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Three Thousand Two Hundred Fifty-Five Dollars (\$3,255) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). JTB has paid Two Thousand Six Hundred Four Dollars (\$2,604) of the administrative penalty and Six Hundred Fifty-One Dollars (\$651) is deferred contingent upon

JTB's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If JTB fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require JTB to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and JTB have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that JTB has implemented the following corrective measures at the Facility:
 - a. Began collecting and analyzing samples of grit trap waste on September 1, 2006; and
 - b. Obtained acceptable financial assurance to cover operations under Registration No. 40164 on February 15, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that JTB has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, JTB is alleged to have:

- 1. Failed to amend the site operating plan ("SOP") prior to deviating from the operational requirements of the SOP, in violation of 30 Tex. ADMIN. CODE §§ 330.73(a) and 330.121 [formerly 330.111] and MSW Registration No. 43000, Sections Drying Bed Procedures and Processing Grease Trap Waste, as documented during an investigation conducted on August 29, 2006. Specifically, JTB added additional storage tanks and began manually adding enzymes to the waste treatment process, but did not amend the SOP for Registration No. 43000 to include the new process and equipment prior to construction and implementation.
- 2. Failed to maintain accurate records documenting the annual waste acceptance rate for the Facility, in violation of 30 Tex. ADMIN. CODE § 330.125(h), as documented during an investigation conducted on August 29, 2006. Specifically, grease and wastewater from tank bottom cleaning was not included in the incoming waste load calculations.

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- 3. Failed to provide financial assurance, in violation of 30 Tex. ADMIN. CODE § 37.8021, as documented during an investigation conducted on August 29, 2006. Specifically, the Type V municipal solid waste transfer Facility did not have financial assurance to cover its operations under Registration No. 40164.
- 4. Failed to annually sample and analyze grit trap waste received, in violation of 30 TEX. ADMIN. CODE § 330.203(c)(2), as documented during an investigation conducted on August 29, 2006. Specifically, JTB did not sample and analyze grit trap waste for benzene, lead, and total petroleum hydrocarbons in 2005.

III. DENIALS

JTB generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that JTB pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and JTB's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: JTB Recycling Facility, Inc., Docket No. 2007-0063-MSW-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that JTB shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining accurate records documenting the annual waste acceptance rate for the Facility, in accordance with 30 Tex. Admin. Code § 330.125(h);
 - b. Within 15 days after the effective date of this Agreed Order, amend the Facility's SOP and registration to reflect current equipment and operating processes or bring the Facility into compliance with its current registration, in accordance with 30 Tex. ADMIN. CODE §§ 330.73(a) and 330.121 and MSW Registration No. 43000; and
 - c. Within 30 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

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as en la egit en le le la pease an étal principal, el peéte le gibble di le le general de egit la la confide La fina par la fina de la graphica La graphica de la gr qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon JTB. JTB is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If JTB fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, JTB's failure to comply is not a violation of this Agreed Order. JTB shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. JTB shall notify the Executive Director within seven days after JTB becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by JTB shall be made in writing to the Executive Director. Extensions are not effective until JTB receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against JTB in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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JTB Recycling Facility, Inc. DOCKET NO. 2007-0063-MSW-E Page 5

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to JTB, or three days after the date on which the Commission mails notice of the Order to JTB, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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JTB Recycling Facility, Inc.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

8/16/2007
Date
stand the attached Agreed Order. I am authorized to agree to the entity, if any, indicated below my signature, and I do agree to the I further acknowledge that the TCEQ, in accepting payment for 3 on such representation.
apply with the Ordering Provisions, if any, in this order and/or my, may result in: iance history; pplications submitted by me; orney General's Office for contempt, injunctive relief, additional or to a collection agency; e enforcement actions against me; ey General's Office of any future enforcement actions against me;
thorized by law. pliance documents may result in criminal prosecution.
her Owner Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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